## UNITED STATES DISTRICT COURT District of Maine

JONATHAN EMMERT,	)
Plaintiff,	)
v.	)
	) Docket No. 1:24-cv-00159-JAW
JOSEPH BASSO and DEVON ORR,	
	)
Defendants.	)
	)

## **DEFENDANTS' MOTION FOR SANCTION OF DISMISSAL**

NOW COME Defendants, through counsel, and pursuant to the Court's April 10, 2025, Order (ECF No. 37), hereby move this Court to dismiss this claim, with prejudice, as a sanction for Plaintiff's failure to respond to written discovery requests served on him on February 3, 2025.

Defendants, through counsel, hereby represent to the Court that since the time of the Court's April 10 Order, the Plaintiff has failed to serve answers to interrogatories or a response to the Defendants' document request. As the Court is no doubt aware, it set a deadline of May 15, 2025, for the Plaintiff to serve these responses upon the Defendants.

The Defendants can discern no reason for Plaintiff's failure to participate in good faith in discovery in an action which he initiated, particularly after the issuance of the Order authorizing the instant motion. Therefore, pursuant to Fed. R. Civ. P. 37(b)(2), Defendants respectfully request that the instant motion be granted and that the above-captioned case be dismissed, with prejudice.

Dated: May 22, 2025 /s/ Michael Lichtenstein
Michael D. Lichtenstein, Esq.

/s/ Peter Marchesi Peter T. Marchesi, Esq.

Wheeler & Arey, P.A. Attorneys for Defendants Basso and Orr 27 Temple Street Waterville, ME 04901

## UNITED STATES DISTRICT COURT District of Maine

JONATHAN EMMERT, Plaintiff,	) ) )
v.	) Declar No. 1:24 ov 00150 IAW
JOSEPH BASSO and DEVON ORR,	) Docket No. 1:24-cv-00159-JAW
Defendants.	)

## **CERTIFICATE OF SERVICE**

I, Michael Lichtenstein, hereby certify that:

• Defendants' Motion for Sanction of Dismissal

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Jonathan Emmert (MDOC # 128468) Maine State Prison 807 Cushing Road Warren, ME 04868-6400

Dated: May 22, 2025

/s/ Michael Lichtenstein

Michael D. Lichtenstein, Esq.

Wheeler & Arey, P.A.

Attorneys for Defendants

27 Temple Street

Waterville, ME 04901